

| | |
|-----------------|-----------------------|
| Resolution No.: | <u>17-394</u> |
| Introduced: | <u>April 17, 2012</u> |
| Adopted: | <u>April 17, 2012</u> |

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND**

By: District Council

SUBJECT: Wheaton Central Business District (CBD) and Vicinity Sectional Map Amendment (G-911)

OPINION

Sectional Map Amendment G-911 was filed by the Maryland-National Capital Park and Planning Commission and is a comprehensive rezoning application for the purpose of implementing the zoning recommendations contained in the Approved and Adopted Wheaton CBD and Vicinity Sector Plan. The SMA application covers approximately 484 acres. The area proposed for reclassification consists of approximately 135 acres proposed for new zoning classifications. The remaining acreage is to be reconfirmed as currently zoned.

The District Council approved the Wheaton CBD and Vicinity Sector Plan on November 29, 2011. The Sector Plan sets forth the specific land use and zoning objectives for the development of the Wheaton CBD and Vicinity area and was subject to extensive and detailed review by the District Council. Following the transmittal of the fiscal impact analysis of the Wheaton CBD and Vicinity Sector Plan by the County Executive, the District Council held a public hearing on July 19, 2011, wherein testimony was received from interested parties.

Sectional Map Amendment (SMA) G-911 was filed on February 27, 2012 by the Montgomery County Planning Board to implement the specific zoning recommendations of the Wheaton CBD and Vicinity Sector Plan. A revised application and technical staff report was submitted on March 29 to delete two unnecessary corrective map amendments. The Council held a public hearing on the SMA for the Wheaton CBD and Vicinity Sector Plan on April 10, 2012.

The Council considered the comments of Jody Kline, who supported the SMA on behalf of the Aronson Family Trust, and Robert Dyer, an individual. Mr. Dyer expressed concerns about the Wheaton Redevelopment Capital Improvements Program project, whether office space is viable, the decrease in affordable rents, and the need to preserve existing businesses in Wheaton. He did not support rezoning on any properties other than the two car dealerships, the Chuck Levin property, and the bus bays. The Council discussed all of the proposed zonings at length during the Sector Plan review and believed that each proposed rezoning would benefit Wheaton and that the zoning strategy also provided the opportunity to preserve existing businesses. The Council

did not believe this testimony provided sufficient rationale for the Council to reconsider its zoning recommendations.

The Council considered the Sectional Map Amendment at a worksession held on April 17, 2012. The Council supported the revised application for the Sectional Map Amendment with technical corrections recommended by Council Staff (attached to this opinion). The Council finds that Sectional Map Amendment Application G-911 is necessary to implement the land use and development policies expressed in the Approved and Adopted Wheaton CBD and Vicinity Sector Plan.

The evidence of record for Sectional Map Amendment G-911 consists of all record materials compiled in connection with the County Council public hearings on the Planning Board Draft of the Wheaton CBD and Vicinity Sector Plan, dated July 19, 2011, and all record materials compiled in connection with the public hearing held by the Council on April 10, 2012 on Sectional Map Amendment G-911.

For these reasons, and because to grant this application will aid in the accomplishment of a coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District, this application will be GRANTED.

Action

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland approves the following resolution:

1. Application No. G-911, Maryland-National Capital Park and Planning Commission, Applicants for the Sectional Map Amendment covering the area of the Wheaton CBD and Vicinity Sector Plan consisting of approximately 484 acres, more or less, is GRANTED. Approximately 135 acres are rezoned as a result of this action. The remaining acreage is to be reconfirmed as currently zoned.
2. The following areas are reclassified as part of this action, consistent with the recommendations in the Wheaton CBD and Vicinity Sector Plan.

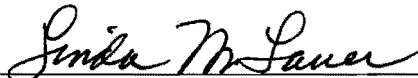
Table 1: Parcels to be Rezoned

| Area # | Existing Zone(s) | Proposed Zone | Acres |
|---------------|-------------------------|---------------------------|--------------|
| 1 | CBD-2 | CR-6.0 C-6.0 R-3.0 H-250 | 3.6 |
| 2 | C-2 | CR-6.0 C-5.5 R-5.5 H-200 | 26.4 |
| 3 | CBD-2 | CR-6.0 C-5.5 R-5.5 H-200 | 1.9 |
| 4 | CBD-2 | CR-6.0 C-5.5 R-5.5 H-200 | 1.4 |
| 5 | CBD-2 | CR-6.0 C-5.5 R-5.5 H-200 | 2.7 |
| 6 | CBD-2 | CR-6.0 C-5.5 R-5.5 H-200 | 1.1 |
| 7 | CBD-2 | CR-6.0 C-5.5 R-5.5 H-200 | 0.5 |
| 8 | CBD-2 | CR-6.0 C-5.5 R-5.5 H-200 | 2.0 |
| 9 | CBD-2 | CR-6.0 C-5.5 R-5.5 H-200 | 2.2 |
| 10 | CBD-3 | CR-6.0 C-5.5 R-5.5 H-200 | 2.3 |
| 11 | CBD-2, CBD-3 | CR-6.0 C-5.5 R-5.5 H-200 | 3.6 |
| 12 | CBD-R1, CBD-3 | CR-6.0 C-5.5 R-5.5 H-200 | 5.7 |
| 13 | CBD-2 | CR-5.0 C-4.5 R-4.5 H-150 | 2.2 |
| 14 | CBD-2 | CR-5.0 C-4.5 R-4.5 H-150 | 2 |
| 15 | CBD-2 | CR-5.0 C-4.5 R-4.5 H-150 | 2 |
| 16 | C-2 | CR-5.0 C-4.5 R-4.5 H-150 | 2 |
| 17 | C-2 | CR-5.0 C-4.5 R-4.5 H-130 | 1.3 |
| 18 | C-2 | CR-5.0 C-4.5 R-4.5 H-130 | 1.8 |
| 19 | CBD-2 | CR-5.0 C-4.5 R-4.5 H-130 | 1.4 |
| 20 | CBD-2 | CR-5.0 C-4.5 R-4.5 H-130 | 3.1 |
| 21 | CBD-1, C-O | CR-4.0 C-3.5 R-3.5 H-100 | 3.8 |
| 22 | R-20, R-30, CBD-2 | CR-4.0 C-3.5 R-3.5 H-100 | 6.3 |
| 23 | CBD-2 | CR-4.0 C-3.5 R-3.5 H-100 | 4.2 |
| 24 | TS-R | CR-4.0 C-3.5 R-3.5 H-100 | 1.8 |
| 25 | R-60, C-2 | CR-3.0 C-2.5 R-2.5 H-100 | 2.2 |
| 26 | R-60, C-2 | CR-3.0 C-2.5 R-2.5 H-100 | 0.9 |
| 27 | C-O, C-2 | CR-3.0 C-2.5 R-2.5 H-75 | 2 |
| 28 | C-2 | CR-3.0 C-2.5 R-2.5 H-75 | 6.5 |
| 29 | C-2 | CR-2.0 C-1.5 R-1.5 H-75 | 0.8 |
| 30 | CBD-0.5, R-20 | CR-2.0 C-1.5 R-1.5 H-75 | 6.3 |
| 31 | R-20, R-30 | CR-2.0 C-1.5 R-1.5 H-75 | 4.2 |
| 32 | R-20 | CR-2.0 C-1.5 R-1.5 H-75 | 7.7 |
| 33 | C-2 | CR-2.0 C-1.5 R-1.5 H-75 | 2.6 |
| 34 | C-T | CRN-1.0 C-0.25 R-1.0 H-45 | 0.9 |
| 35 | C-T | CRN-1.0 C-0.5 R-1.0 H-45 | 0.4 |
| 36 | R-60, C-T | CRN-1.0 C-0.5 R-1.0 H-45 | 0.7 |
| 37 | C-O | CRN-1.5 C-0.5 R-1.5 H-45 | 0.7 |
| 38 | R-60, C-T, C-2 | CRN-1.5 C-0.25 R-1.5 H-45 | 1.3 |
| 39 | C-T, C-O | CRN-1.5 C-0.5 R-1.5 H-45 | 0.4 |
| 40 | R-60, C-2 | CRN-1.5 C-0.5 R-1.5 H-45 | 1.9 |
| 41 | CBD-1 | CRN-1.5 C-0.5 R-1.5 H-45 | 1.7 |
| 42 | C-1, C-T | CRN-1.5 C-0.5 R-1.5 H-45 | 1.7 |
| 43 | CBD-R1, CBD-3 | CRN-1.5 C-0.5 R-1.5 H-45 | 3.4 |

Table 2: Locations for Zoning Line Adjustments

| Corrective SMA Designation | Existing Zoning | Proposed Zoning | Acres |
|---|----------------------------|----------------------------|------------------|
| C-1 | R-60 | C-2 | .04 (1,742.4 SF) |

This is a correct copy of Council action.


Linda M. Lauer, Clerk of the Council